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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,309	01/11/2002	Morihito Nomura	033228-019	4265

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05/07/2003

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EXAMINER

MELWANI, DINESH

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 05/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/042,309

Applicant(s)

NOMURA ET AL.

Examiner

Dinesh N Melwani

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 February 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 7-11, 17 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 12-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Species I (Figs. 1-5), claims 1-6 and 12-16 in Paper No. 4 is acknowledged. The traversal is on the ground(s) that the applicant believes that all of the claims in the present application can be examined at the same time without serious burden. The applicant contends that the search required for the non-elected species is coextensive with the search required for the elected species. Furthermore, the applicant also asserts that examining all of the claims of this application at the same time would only involve consideration of a few additional claims. This is not found persuasive because the Examiner asserts the second species (Figs. 6-11) is directed to a second embodiment of the present invention; wherein the second embodiment is not an obvious variant of the first embodiment; wherein the second embodiment is characterized by substantial structural differences. The requirement is still deemed proper and is therefore made FINAL.
2. Therefore, claims 7-11, 17, and 18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected embodiment. Furthermore, the applicant is reminded that upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

***Priority***

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 10/042,309, filed on 01/11/02.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6 and 12-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Kritzler et al. (U.S. Patent No. 5,685,581). Kritzler discloses a vehicle door handle device as claimed; wherein said device comprises a frame (1) equipped on a door panel (3) of a vehicle door; a handgrip (2) having a first end portion rotatably mounted on the frame and a second end portion forming an operation portion linked with a door lock (15) mechanism, the handgrip being rotatable within a predetermined angle to operate the door lock mechanism and effect opening of the vehicle door when the operation portion of the handgrip is moved to rotate the handgrip relative to the frame; a projection formed on one of the frame and the first end portion of the handgrip; and a groove formed on the other of the frame and the first end portion of the handgrip (see Fig. 6), the projection being positioned in the groove to move within the groove when the operation portion of the handgrip is moved to rotate the handgrip relative to the frame, the projection being engageable with a periphery of the groove to inhibit dislocation of the handgrip

from the frame, see col. 3, lines 20-40. In regards to claims 2 and 13, Kritzler's device comprises a frame that includes a first base member and a separate second base member, the first and second base members being spaced apart from one another, see Fig. 1. Regarding claims 3 and 4, Kritzler's projection is provided on the first base member and the groove is provided on the first end portion of the handgrip. As it concerns claim 5, Kritzler's groove includes an inclined surface portion and a fitting portion, the projection being positioned in the fitting portion, and the fitting portion having oppositely located peripheral portions defining limits of the predetermined angle of rotation of the handgrip. Regarding claims 6, 14 and 16, Kritzler's frame includes an integrally formed shaft portion (5) on the first base member and the first end portion of the handgrip includes an open-ended slot (7) receiving the shaft portion, the handgrip rotating about the shaft portion when the operation portion of the handgrip is moved away from the frame to rotate the handgrip relative to the frame.

### ***Conclusion***


6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kritzler (U.S. Patent No. 5,791,703), Mizuki (U.S. Patent No. 5,860,684), Josserand *et al.* (U.S. Patent No. 6,401,302), Laurie (U.S. Patent No. 4,883,296), Benard *et al.* (U.S. Patent No. 6,239,693), Linder *et al.* (U.S. Patent No. 6,007,122), Johnson (U.S. Patent No. 4,482,179), Josserand (U.S. Patent No. 6,523,871), Muneta (U.S. Patent No. 6,543,090), Meinke (U.S. Patent No. 6,447,030), Fukumoto *et al.* (U.S. Patent No. 6,415,636), Spitzley (U.S. Patent No. 6,363,577), Mittelbach *et al.* (U.S. Patent No. 6,234,548), and Kritzler (U.S. Patent No. 5,725,262) substantially disclose the present invention as claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinesh N Melwani whose telephone number is 703-305-4546. The examiner can normally be reached on M-F, 8:30-6 except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4115.

DNM  
April 30, 2003



WILLIAM MILLER  
Primary